IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.112 OF 2007
IN
LETTERS PATENT APPEAL (ST.) NO. 8462 OF 2007
IN
WRIT PETITION NO.5016 OF 2006

Innovasynth Technolagies (I) Ltd. .. Applicant
v/s.
Shri Rajendra Vasant Charge and others .. Respondents

Mr. P.C. Pavaskar for the applicant.
Mr. L.A. Sawant for the respondents.

CORAM : SWATANTER KUMAR, C.J. &
DR. D.Y. CHANDRACHUD, J.

DATED : 2ND NOVEMBER, 2007

P.C.

This is an application filed by the appellant-applicant praying for condonation of delay of 101 days in filing the present appeal. It has been averred in the application that after the order dated 29th November, 2006 was passed, the appellant applied for certified copy of the same which was received by him on 12th December, 2006. However, settlement talks were going on between the workman and the appellant. Resultantly, the appeal was not preferred. Thereafter, the certified copy of the order was misplaced

by the clerk in the office of the counsel and non-availability of Executive Director, delay caused in filing the appeal. The learned counsel appearing for the non-applicant submits that there is no reason much less the sufficient cause shown for condonation of delay and reasons stated in the application are exfacie not true.

2. Having heard the learned counsel appearing for the parties, we are of the considered view that the delay caused in filing the appeal has been adequately explained by the applicant in the application under consideration. It is not disputed that there was settlement talks going on between the parties and it was quite possible that copy of the application was misplaced by the clerk of the counsel in the office. Certainly, the benefit has accrued to the non-applicant as a result of delay but no undisputable right is vested so as to dismiss this application and consequently denial of the adjudication on merits of the case. The application is allowed. The delay of 101 days caused in filing the appeal is condoned subject to payment of cost of Rs.1500/-. Payment of cost is condition precedent for entertaining the appeal. Place the appeal for admission after six weeks.

CHIEF JUSTICE

DY. D.Y. CHANDRACHUD, J.